

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-CV-398-D

ASHLEY ERNESTO,

Plaintiff,

v.

DAWN MCKIBBIN,

Defendant.


ORDER

On December 29, 2016, Ashley Ernesto ("Ernesto" or "plaintiff") moved to remand this action to Onslow County Superior Court [D.E. 10]. Ernesto contends that the amount in controversy does not exceed \$75,000, exclusive of interest and costs. See id. 1-3; see also [D.E. 11]. Thus, Ernesto argues that diversity jurisdiction does not exist. See 28 U.S.C. § 1332(a). On January 19, 2017, Dawn McKibbin responded in opposition [D.E. 15].

The court has reviewed the complaint under the governing standard. See Francis v. Allstate Ins. Co., 709 F.3d 362, 367 (4th Cir. 2013); see also Jones v. Wells Fargo Co., No. 15-2403, 2016 WL 7240180, at *1 (4th Cir. Dec. 15, 2016) (per curiam) (unpublished).

Plaintiff's motion to remand [D.E. 10] is GRANTED. Plaintiff's request for attorney's fees is DENIED. The action is REMANDED to Onslow County Superior Court.

SO ORDERED. This 19 day of February 2017.


JAMES C. DEVER III
Chief United States District Judge